

to waive the Nonmanufacturer Rule for any "class of products" for which there are no small business manufacturers or processors available to participate in the Federal market.

A class of products is defined based on the Office of Management and Budget's NAICS codes and the General Services Administration's Product and Service Code Directory. Within each six-digit NAICS code are subdivisions of products that can be considered for waiver. A request for a waiver of a class of products should refer to a specific subdivision, or statement of product, within a six-digit code in one of these manuals. A waiver of the Nonmanufacturer Rule does not waive the entire class of products under a specific NAICS code. The class waiver waives specific products within a subdivision within a NAICS code.

Any individual or organization (government agency, business, association, *etc.*) may request a waiver for a class of products. The request should be in writing, addressed to the Director for Government Contracting and should specifically state the class (or classes) of products for which the waiver is sought.

SBA is proposing to a retraction of the class waiver from the non-manufacturer rule for PSC 9130 (Liquid Propellants—Petroleum Base) under NAICS code 324110. The waiver from the non-manufacturer rule for PSC 9130 is being retracted based on information SBA received from the Defense Logistics Agency, Defense Energy Support Center (DESC), Fort Belvoir, VA. SBA's **Federal Register** Notice of Intent to grant a waiver of the Non-Manufacturer Rule for (PSC) 9130 (Liquid Propellants—Petroleum Base) was published on May 11, 2009. SBA finalized the waiver on June 8, 2009 (74 FR 27202). DESC was not aware of the notice until after the closing date for submission of comments. They have awarded prime contracts to, or received offers from, multiple small business refiners within the past 24 months.

Thus the SBA is proposing a retraction of the class waiver from the non-manufacturer rule for PSC 9130 (Liquid Propellants—Petroleum Base) under NAICS code 324110.

The public is invited to provide comments to SBA on the proposed retraction of the waiver within 15 days after date of publication in the **Federal Register**.

**Authority:** 15 U.S.C. 634.

**Jim Gambardella,**

(A) Director for Government Contracting.

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## SMALL BUSINESS ADMINISTRATION

### Small Business Size Standards: Waiver of the Nonmanufacturer Rule

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice of intent to terminate the Nonmanufacturer Rule for radio telephones, (Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing) Product Service Code (PSC) 5805 under North American Industry Classification System 334220.

**SUMMARY:** The U.S. Small Business Administration (SBA) intends to terminate a waiver of the Nonmanufacturer Rule for radio telephones based on SBA's recent discovery of a small business manufacturer. Terminating this waiver will require recipients of contracts set aside for small businesses, service-disabled veteran-owned small businesses, or Participants in SBA's 8(a) Business Development (BD) Program to provide the products of small business manufacturers or processors on such contracts.

**DATES:** Comments and source information must be submitted August 19, 2009.

**ADDRESSES:** You may submit comments and source information to Edith G. Butler, Program Analyst, Small Business Administration, Office of Government Contracting, 409 3rd Street, SW., Suite 8800, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Ms. Edith G. Butler, by telephone at (202) 619-0422; by FAX at (202) 481-1788; or by e-mail at [edith.butler@sba.gov](mailto:edith.butler@sba.gov).

**SUPPLEMENTARY INFORMATION:** Section 8(a)(17) of the Small Business Act (Act), and 15 U.S.C. 637(a)(17), and SBA's implementing regulations require that recipients of Federal contracts set aside for small businesses, service-disabled veteran-owned small businesses, or Participants in the SBA's 8(a) BD Program provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule. 13 CFR 121.406(b), 125.15(c). Section 8(a)(17)(b)(iv) of the Act authorizes SBA to waive the Nonmanufacturer Rule for any "class of products" for which there are no small business manufacturers or processors available to participate in the Federal market.

In order to be considered available to participate in the Federal market for a

class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months. The SBA defines "class of products" based on the NAICS. In addition, SBA uses PSCs to identify particular products within the NAICS code to which a waiver would apply.

SBA announced its decision to grant the waiver for radio telephones, in the **Federal Register** on July 20, 1998 63 FR 38742. SBA recently became aware of the existence of a small business manufacturer for this item. For this reason, SBA intends to terminate the waiver previously granted for radio telephones, identified under PSC 5805, and NAICS code 334220.

The public is invited to comment to SBA on the proposed termination of the waiver of the Nonmanufacturer Rule for this class of product specified. All comments by the public will be duly considered by SBA in determining whether to finalize its intent to terminate this class of product.

Dated: July 29, 2009.

**James A. Gambardella,**

Acting Director, Office of Government Contracting.

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## SECURITIES AND EXCHANGE COMMISSION

### Submission for OMB Review; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549-0213.

#### Extension:

Form 11-K; OMB Control No. 3235-0082; SEC File No. 270-101.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Form 11-K (17 CFR 249.311) is the annual report designed for use by employee stock purchase, savings and similar plans to comply with the reporting requirements under Section 15(d) of the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78o(d)). Section 15(d) establishes a periodic reporting obligation for every